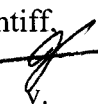


FILED
2008 AUG 20 PM 12:09
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Plaintiff,
BY  DEPUTY

Mario Alberto RIVERA-Sanjurjo,

Defendant

Magistrate Docket No.

'08 MJ2569


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **August 19, 2008** within the Southern District of California, defendant, **Mario Alberto RIVERA-Sanjurjo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY OF AUGUST,
2008


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

8/19/08

CONTINUATION OF COMPLAINT:
Mario Alberto RIVERA-Sanjurjo

PROBABLE CAUSE STATEMENT

On August 19, 2008, Border Patrol Agent M. Escobedo was performing assigned duties in the Imperial Beach Border Patrol Station area of responsibility. Agent Escobedo was working in an area known as " Whiskey 8." This area is an area approximately one mile west of the San Ysidro Port of Entry and approximately fifty to one hundred yards north of the United States/Mexico International Boundary.

At approximately 4:30 P.M., Agent Escobedo was advised by Border Patrol Agent B. Audette, who was assigned to the East Scope Operator position, of his observation of an individual running north. Agent Escobedo responded to the area and with the assistance of the scope operator found the individual concealed in some brush. Agent Escobedo identified himself as a United States Border Patrol Agent and conducted an immigration inspection. The individual, later identified as the defendant **Mario Alberto RIVERA-Sanjurjo**, admitted to being a citizen and national of Mexico not in possession of any immigration documentation allowing him to enter or remain in the United States legally. RIVERA was placed under arrest and was transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on December 11, 2007** through **Laredo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and he was willing to make a statement without an attorney present. The defendant admitted that he was a citizen and national of Mexico not in possession of immigration documents allowing him to enter or remain in the United States legally. RIVERA further stated that he had not requested permission from the Attorney General to re-enter the United States after being previously ordered removed. RIVERA also stated that he was traveling to Los Angeles, California.